

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

BIG LOTS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 24-11967 (JKS)

(Jointly Administered)

Re: D.I. 461

**FIFTH NOTICE OF REJECTION OF CERTAIN EXECUTORY CONTRACTS AND/OR
UNEXPIRED LEASES (AND THE ABANDONMENT OF PROPERTY)**

**PARTIES RECEIVING THIS NOTICE SHOULD CHECK SCHEDULE 1
ATTACHED HERETO FOR THEIR NAMES AND THEIR CONTRACTS
OR LEASES AND READ THE CONTENTS OF THIS NOTICE
CAREFULLY.**

PLEASE TAKE NOTICE that, on September 9, 2024, the above-captioned debtors and debtors in possession (collectively, the “**Debtors**”) each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code in the United States Bankruptcy Court for the District of Delaware (the “**Court**”). The Debtors’ chapter 11 cases are being jointly administered under the lead case *In re Big Lots, Inc.*, No. 24-11967 (JKS).

PLEASE TAKE FURTHER NOTICE that, on October 9, 2024 the Court entered the *Order (I) Authorizing Debtors to Reject Certain Unexpired Leases of Nonresidential Real Property and (II) Authorizing and Establishing Procedures to Reject Executory Contracts And Unexpired Leases* [D.I. 461] (the “**Rejection Procedures Order**”)² that, among other things,

¹ The debtors and debtors in possession in these chapter 11 cases, along with the last four digits of their respective employer identification numbers, are as follows: Great Basin, LLC (6158); Big Lots, Inc. (9097); Big Lots Management, LLC (7948); Consolidated Property Holdings, LLC (0984); Broyhill LLC (7868); Big Lots Stores - PNS, LLC (5262); Big Lots Stores, LLC (6811); BLBO Tenant, LLC (0552); Big Lots Stores - CSR, LLC (6182); CSC Distribution LLC (8785); Closeout Distribution, LLC (0309); Durant DC, LLC (2033); AVDC, LLC (3400); GAFDC LLC (8673); PAFDC LLC (2377); WAFDC, LLC (6163); INFDC, LLC (2820); Big Lots eCommerce LLC (9612); and Big Lots F&S, LLC (3277). The address of the debtors’ corporate headquarters is 4900 E. Dublin-Granville Road, Columbus, OH 43081.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Order or the Motion, as applicable. A copy of the Motion and additional information about the Chapter 11 Cases can be accessed on the Debtors’ case information website located at <https://www.cases.ra.kroll.com/BigLots>. If you have any questions, please contact, Kroll Restructuring Administration LLC, the Debtors’ claims and noticing agent, at 844.217.1398 (US and Canada Toll-Free) or 646.809.2073 (Outside the US and Canada). Kroll Restructuring Administration LLC cannot provide legal advice.

authorized and established procedures for the rejection of Contracts and Leases and the abandonment of certain property in connection therewith (the “**Rejection Procedures**”).

PLEASE TAKE FURTHER NOTICE that, pursuant to the Rejection Procedures Order and this written notice (this “**Rejection Notice**”), the Debtors have determined, in the exercise of their sound business judgment, that each Contract or Lease set forth on **Schedule 1** attached hereto shall be deemed rejected effective as of the date (the “**Rejection Date**”) set forth therein or such other date as the Debtors and the applicable Counterparty agree.

PLEASE TAKE FURTHER NOTICE that the Debtors intend to abandon certain personal property, furniture, fixtures and equipment that may be located on the leased premises subject to a rejected Contract or Lease (any such property, the “Abandoned Property”), which Abandoned Property is generally described in **Schedule 1** attached hereto:

PLEASE TAKE FURTHER NOTICE that parties seeking to object to the proposed rejection of any of the Contracts or Leases on **Schedule 1** attached hereto, or the proposed abandonment of property in connection therewith, must file and serve a written objection (a “**Rejection Objection**”) so that such Rejection Objection is filed with the Court on the docket of the Chapter 11 Cases and that the following parties actually receive such objection no later than 4:00 p.m. (prevailing Eastern Time) on **November 13, 2024** (the “**Rejection Objection Deadline**”): (a) the U.S. Trustee, 844 N. King Street, Wilmington, DE 19801, Attn: Linda Casey; (b) proposed counsel to the Debtors, (i) Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY 10017, Attn: Brian M. Resnick, Adam L. Shpeen, Stephen D. Piraino and Ethan Stern (notice.biglots@davispolk.com) and (ii) Morris, Nichols, Arsht & Tunnell LLP, 1201 N. Market Street, 16th Floor, Wilmington, DE 19801, Attn: Robert J. Dehney, Sr., Andrew R. Remming, Daniel B. Butz, Tamara K. Mann, and Casey B. Sawyer, (biglots.mnat@morrisnichols.com); (c) (A) Cole Schotz P.C., 500 Delaware Avenue, Suite 1410, Wilmington, DE 19801, Attn: Justin R. Alberto, Esq. (jalberto@coleschotz.com), Stacy L. Newman, Esq. (snewman@coleschotz.com) and Sarah Carnes Esq. (scarnes@colescholtz.com) and (B) McDermott Will & Emery, One Vanderbilt Avenue, New York, NY, 10017, Attn: Darren Azman (dazman@mwe.com) and Kristin K. Going (kgoing@mwe.com), proposed co-counsel to the official committee appointed in these Chapter 11 Cases; and (d) if the objecting party is not the affected Counterparty to such Contract or Lease, the affected Counterparty to such Contract or Lease (the “**Objection Service Parties**”). Please note that the Rejection Objection Deadline may be extended with respect to a particular Contract or Lease by the Debtors upon written notice to the applicable Counterparty (email being sufficient).

PLEASE TAKE FURTHER NOTICE that each Rejection Objection must (a) be in writing and in English (b) comply with the Bankruptcy Code, Bankruptcy Rules, and Local Rules, and (c) state, with specificity, the legal and factual bases thereof.

PLEASE TAKE FURTHER NOTICE that, absent the proper and timely filing and service of a Rejection Objection, the Debtors will submit to the Court under certification of counsel a proposed order, substantially in the form attached hereto as **Schedule 2** (the “**Rejection Order**”), authorizing the rejection of any such Contract(s) or Lease(s) listed on **Schedule 1** effective as of the Rejection Date (or such other date to which the Debtors and the applicable lease counterparty agree or as ordered by the Court).

PLEASE TAKE FURTHER NOTICE that, if a Rejection Objection is properly and timely filed and served and not withdrawn or resolved, the Debtors shall file with the Court a notice for a hearing to consider the Rejection Objection. If such Rejection Objection is overruled or withdrawn, such Contract or Lease (and any abandonment of personal property in connection therewith) shall be treated as set forth in the immediately preceding paragraph, unless otherwise agreed by the affected parties or ordered by the Court.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Rejection Procedures Order, absent a further order of the Court or written agreement from the Debtors (email being sufficient), all counterparties are prohibited from setting off, recouping, or otherwise utilizing any monies deposited by the Debtors with such counterparty as a security deposit.

PLEASE TAKE FURTHER NOTICE that, to the extent you wish to assert a claim with respect to the rejection of your Contract or Lease, you must do so by the later of (a) the deadline for filing proofs of claim established in the Chapter 11 Cases, or (b) 35 days after the date of entry of the applicable Rejection Order. IF YOU FAIL TO TIMELY SUBMIT A PROOF OF CLAIM IN THE APPROPRIATE FORM BY THE DEADLINE SET FORTH HEREIN, YOU MAY BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM (X) ASSERTING SUCH CLAIM AGAINST ANY OF THE DEBTORS OR THEREAFTER FILING A PROOF OF CLAIM WITH RESPECT THERETO IN THE CHAPTER 11 CASES, (Y) BEING TREATED AS A CREDITOR OF THE DEBTORS FOR THE PURPOSE OF VOTING ON ANY CHAPTER 11 PLAN IN THE CHAPTER 11 CASES ON ACCOUNT OF SUCH CLAIM, AND (Z) RECEIVING OR BEING ENTITLED TO RECEIVE ANY PAYMENT OR DISTRIBUTION OF PROPERTY FROM THE DEBTORS OR THEIR SUCCESSORS OR ASSIGNS WITH RESPECT TO SUCH CLAIM IN THE CHAPTER 11 CASES.

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Dated: October 30, 2024
Wilmington, Delaware

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Sophie Rogers Churchill

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